IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3319 OF 2005

Shri Deepak Sharad Jare ..Applicant

V/s.

Union of India & Ors. ..Respondents

Mr.R.R.Shah with Advani, Sachwani & Heera for the applicant.

Mr.H.V.Mehta for Respondent Nos.1 & 2.

Mr.V.B.Konde-deshmukh APP for Respondent no.3/State.

Coram : R.S.MOHITE,J

Date : 20.05.2005.

PC

1. Heard parties.

2. It appears that the applicant has preferred anticipatory bail application no.704/2005 in the Court of Sessions, Bombay. That application was disposed of on the ground that the application did not mention the nature of the non bailable offence. It is mentioned in the order that the Advocate for the applicant suggested that the offence is under the Excise Act for which he apprehended arrest.

3. In the present application reply is filed on behalf of the respondents setting out the facts.

Mr.Mehta appearing on behalf of respondent nos.1 & 2 states that the offence committed by the applicant is under section 9(1) (bbbb) of the Central Excise Act. The said offence is punishable with 7 years and therefore, it is non bailable offence. It would be desirable that the matter be considered by the Sessions Court. In this view of the matter, order dated 12.5.2005 is quashed and set aside. However, at this stage, Mr.Mehta states that they will give 72 hours notice in writing if they desires to arrest the present applicant. In my view, it is sufficient protection. If such notice is given to the applicant in writing, he will be at liberty to move the Sessions Court for grant of anticipatory bail and if any such application is made, the same may be disposed of on its own merits.

. Parties to act on an ordinary copy of this order duly authenticated by the Personal Secretary/Court Sheristedar of this Court as a true copy.

(R.S.MOHITE,J)